

PTO/SB/21 (03-03)

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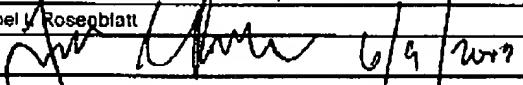
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FORM***(to be used for all correspondence after initial filing)*

Application Number	08/396,530
Filing Date	09/15/1999
First Named Inventor	Randall Addington
Art Unit	3711
Examiner Name	William Pierce
Total Number of Pages in This Submission	4
Attorney Docket Number	99-1002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
This is a non fee petition to confirm the application is being processed in accordance with Office practice.		
This petition is send by facsimile to 703 872 9303		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Joel I. Rosenblatt
Signature	
Date	06/09/2003

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:		06/09/2003
Typed or printed	Joel I. Rosenblatt	
Signature		Date 06/09/2003

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FAX RECEIVED
JUN 9 2003
GROUP 3700

Application Number: 09/396,530

Group Art Unit: 3711

Filing Date: 9/15/99

Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1002

Title: Method For Improving Bowler's Control

Assistant Commissioner of Patents

Washington, D.C. 20231

By Facsimile: 703-872-9303

37 C. F. R. 1.181 Petition

I.

This Petition if Timely Filed

1. This application is one of two related applications with examiner William Pierce, Art Unit 3700. In the matter of this application, applicants' appeal brief was not properly acknowledged and the application was abandoned. Applicant filed a petition to revive based on Office error and Director Patent Examining Groups 3710 and 3720, Paper 33, dated April 11, 2003, granted applicants' petition to withdraw the Notice of Abandonment and to forward the application to the examiner via the Supervisory Primary Examiner, for action on the appeal brief, as filed Sept. 3, 2003.

II.

Background

2. This application is one of two applications with examiner William Pierce. The other is related application 09/396,531, filed on 9/15/99. Each of the applications have been to the Board of Appeals. This application is under a remand from the Board with directions that "On remand, the examiner is directed to take appropriate action, in accordance with the relevant statutes, regulations, and Office practices, to resolve the foregoing problems."

3. In a Decision On Petition, Paper No. 25, the Director acknowledged the Board's remand referred to the Board's holding, "... that the examiner's treatment of both procedure

issues and the merits of the appealed issues of patentability was ambiguous and incomplete."

4. Application 09/396,530 received a Final Rejection mailed 08/16/02. Applicant's filed an appeal by facsimile on Sept. 3, 2002. In response to a Notice of Abandonment, applicants filed a petition showing the Notice of Abandonment was made in error by the Office. The Director Patent Examining Groups 3710 and 3720, in Paper 33, dated April 11, 2003, granted applicants' petition to withdraw the Notice of Abandonment and to forward the application to the examiner via the Supervisory Primary Examiner, for action on the appeal brief filed Sept. 3, 2003.

5. The other of applicants' two applications with examiner Pierce, is related application 09/396,531. This related application 09/396,531, was Remanded Without Hearing, Paper No. 26, to examiner Pierce for "appropriate action . . ."

III.

6. Applicants petition the Director responsible for Group Art Unit 3711 and responsible for examiner Pierce, for confirmation the appeal filed Sept. 2, 2002, in application 09/396,530 is presently being processed for examination in a timely manner in accordance with Office practice and procedures.

7. As reasons for this Petition, applicant states,

- a. This application has been made special under Rule 102(c),
- b. The Office had abandoned this application 09/396,530 contrary to Office practice and procedure.
- c. A companion related application 09/396,531, was mislaid, contrary to Office practice and procedure.
- d. This applications 09/396,530, and related application 09/396,531, are being examined in Group Art Unit 3711.
- e. Applicant's concern that the Office practices with regard to application 09/396,530

and related application 09/396,531, demonstrate neglect, are reasonable.

8. This is considered a non fee petition.

Wherfore, Applicants petition the Honorable Commissioner of Patents for confirmation of application 09/396.530 is being examined in a timely manner in accordance with Office practice, as requested in Paragraph 6. above.



6/9/2003

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